

### **REMARKS**

The paper is in response to the final Office action mailed May 27, 2009 ("the Office Action"). The foregoing amendment adds new claims 40 and 41. Claims 1-14 and 33-41 are now pending in view of the amendments. Applicants respectfully request reconsideration of the application in view of the above amendments to the claims and the following remarks. For Examiner's convenience and reference, Applicants present remarks in the order that the Office Action raises the corresponding issues.

In connection with the prosecution of this case and any related cases, Applicants have, and/or may, discuss various aspects of the disclosure of the cited references as those references are then understood by the Applicants. Because such discussion could reflect an incomplete or incorrect understanding of one or more of the references, the position of the Applicants with respect to a reference is not necessarily fixed or irrevocable. Applicants thus hereby reserve the right, both during and after prosecution of this case, to modify the views expressed with regard to any reference.

Please note that Applicants do not intend the following remarks to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, Applicants present the distinctions below solely by way of example to illustrate some of the differences between the claims and the cited references. Finally, Applicants request that Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of any reference is consistent with Examiner's understanding.

Unless otherwise explicitly stated, the term "Applicants" is used herein generically and may refer to a single inventor, a set of inventors, an appropriate assignee, or any other entity or person with authority to prosecute this application.

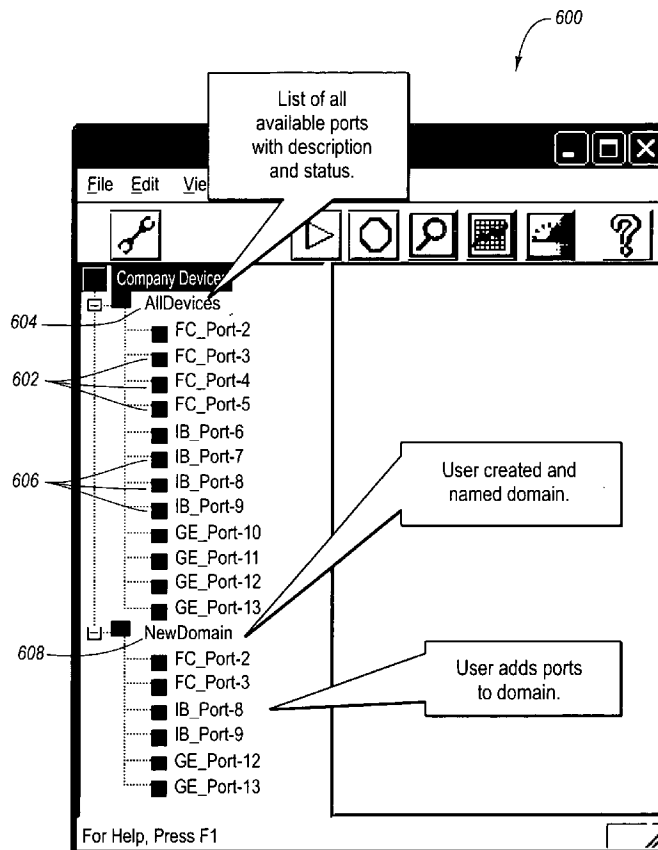
#### **I. Rejection Under 35 U.S.C. §102**

The Office Action rejects claims 1-14 and 33-39 under 35 U.S.C. §102(b) over *Seawright et al.* (U.S. Patent No. 5,920,711). Applicants respectfully disagree.

According to MPEP §2131, a claim is anticipated under 35 U.S.C. §102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. The reference must show the identical invention in as complete detail as is contained in the claim. Finally, the elements must be arranged or combined as required by the claim.

**A. Claims 1-14, 33, and 34**

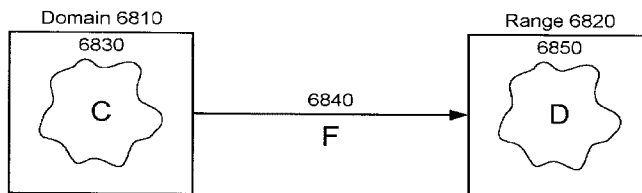
Claim 1 recites a method comprising, among other things, "using at least one...[port] to at least partially define a domain." Figure 5B of Applicants' specification (copied below) depicts an example embodiment in which various ports of a multi-protocol communications analyzer ("FC\_Port-2," "FC\_Port-3," "IB\_Port-8," "IB\_Port-9," "GE\_Port-12," and "GE\_Port-13") are used to at least partially define a domain ("NewDomain" 608). A corresponding description of port selection to at least partially define a domain may be found in paragraphs [0055] through [0059] of the specification.



**Fig. 5B**

The Examiner alleged that the foregoing claim 1 limitation is taught in *Seawright* at column 10, lines 43-67 and column 13, lines 37-45. *See Office Action* at 2. Applicants respectfully disagree. *Seawright* is generally directed to a “system for specifying, synthesizing, analyzing, simulating, and generating circuit designs for frame protocols.” *See Seawright* at Abstract. The system of *Seawright* presents a graphical user interface (GUI), as seen in Figure 4, that enables a user to specify a “frame protocol.” *See id.* Selection of a “Ports” button in the GUI generates a “Port Browser” screen, as seen in Figure 14, by which a user can define ports of the frame protocol. For example, “Terminal frames recognize a specific bit pattern on specified designated ports.” *See Seawright* at col. 8, lines 57 and 58. The column 10 passage referenced by the Examiner describes details of the “Port Browser” screen featured in Figure 14. However, the ports are used to specify a “frame protocol,” not to “at least partially define a domain,” as claimed.

Moreover, the “domain” described in the column 13 passage referenced by the Examiner is the domain of a set of boolean functions in a virtual circuit that represents a previously defined frame protocol. The domain is described as having points that are mapped by the boolean functions in a virtual circuit to corresponding points in a range. *See Seawright*, col. 13, lines 24-45. The functional domain (6810) and functional range (6820) are graphically depicted in Figure 22 of *Seawright*, copied below.



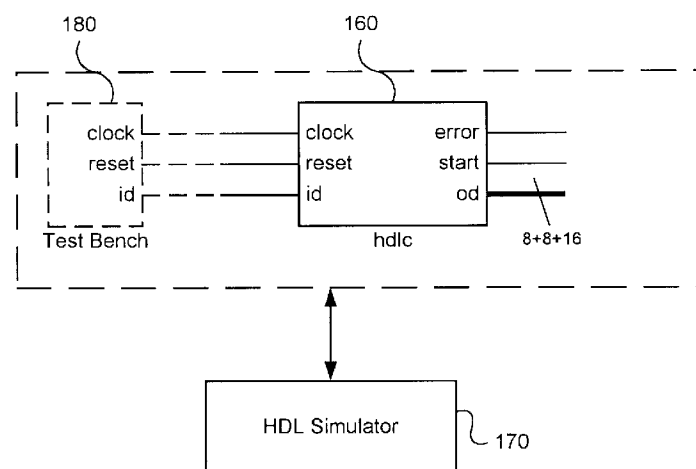
**Fig. 22**

Thus, rather than being at least partially defined by the ports used to specify a frame protocol, the domain (6810) of *Seawright* is a functional domain that defines inputs to a virtual circuit

representing the frame protocol. Accordingly, the ports described in *Seawright* are not used to "at least partially define [domain (6810)]," as required by claim 1.

Claim 1 also recites, "wherein the domain is defined such that ports included in the domain appear to share, from a first user perspective, a trigger line and/or a common clock." In contrast, the domain identified in *Seawright* does not include ports, for the reasons discussed immediately above. Moreover, Applicants could not find any description pertaining to ports appearing to share "a trigger line and/or a common clock," as claimed. The Examiner referenced two passages—column 10, lines 43-67 and column 21, lines 29-51—in addressing the foregoing limitation of claim 1. However, the column 10 passage pertains to the "Port Browser" screen of Figure 14 and a "Port Editor" window of Figure 15. No mention is made of ports appearing to share "a trigger line and/or a common clock," as claimed.

The column 21 passage referenced by the Examiner is similarly deficient. The passage describes a test bench (180), depicted in Figure 54, used to simulate a frame protocol's virtual circuit by sending "a clock, reset, and input(id) signal" to corresponding ports of High-Level Description Language (HDL) code (160) that represents the virtual circuit. See Figure 54 (copied below). The ports of HDL (160) are not described as "appear[ing] to share, from a first user perspective, a trigger line and/or a common clock," as claimed.



**Fig. 54**

Therefore, should the Examiner maintain the same grounds of rejection, Applicants respectfully request, pursuant to 37 CFR § 1.104, a more detailed explanation of where the limitation, "wherein the domain is defined such that ports included in the domain appear to share, from a first user perspective, a trigger line and/or a common clock," is believed to be taught in *Seawright*. According to 37 CFR § 1.104, "When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained....." (Emphases added.)

In light of the foregoing, Applicants respectfully submit that no *prima facie* case of anticipation has been established with respect to claim 1. Accordingly, the rejection of claim 1, and corresponding dependent claims 2-14, 33, and 34, should be withdrawn.

#### **B. Claims 35-39**

Claims 35-39 were alleged to "not teach or define any new limitations other than above claims [1-14, 33, and 34]" and were therefore "rejected for similar reasons." *See Office Action* at 5. Applicants respectfully submit, however, that claims 35-39 recite various limitations that are not recited in any of claims 1-14, 33, and 34. For example, independent claim 35 recites "wherein a first one of the link analyzers in the multi-protocol communications analyzer is configured for use with a data stream corresponding to a first communication protocol and a second one of the link analyzers is configured for use with a data stream corresponding to a second communication protocol." Moreover, claim 35 recites "using at least one...[port] to at least partially define a domain" like claim 1 discussed above. For the reasons discussed above with respect to claim 1, *Seawright* fails to disclose at least this limitation of claim 35.

In light of the foregoing, Applicants respectfully submit that no *prima facie* case of anticipation has been established with respect to claim 35. Accordingly, the rejection of claim 35, and corresponding dependent claims 36-39, should be withdrawn.

## **II. New Claims 40 and 41**

By this amendment, new claims 40 and 41 are added. Support for new claim 40 may be found at least in paragraphs [0010] and [0014] of Applicants' specification and support for new

claim 41 may be found at least in paragraph [0041] of Applicants' specification. Applicants respectfully submit that new claims 40 and 41 are patentable over the cited art at least by virtue of their dependence from allowable claims 1 and 35, respectively.

### **III. Charge Authorization**

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

**CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are allowable. In the event that Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or overcome by an Examiner's Amendment, Examiner is requested to contact the undersigned attorney.

Dated this 24th day of November, 2009.

Respectfully submitted,

**/Ronald J. Ward/Reg. No. 54,870**

RONALD J. WARD  
Registration No. 54,870  
ERIC L. MASCHOFF  
Registration No. 36,596  
Attorneys for Applicant  
Customer No. 022913  
Telephone: (801) 533-9800

RJW:jbh  
2629802\_1.DOC